

SECOND REGULAR SESSION

SENATE BILL NO. 1118

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATORS STOUFFER, GRIESHEIMER AND SCOTT.

Read 1st time February 27, 2006, and ordered printed.

TERRY L. SPIELER, Secretary.

4973S.02I

AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to certification standards for law enforcement officials who enforce commercial motor vehicle laws.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 304, RSMo, is amended by adding thereto one new section, to be known as section 304.232, to read as follows:

304.232. 1. The Missouri state highway patrol shall establish procedures for the certification of municipal police officers, sheriffs, deputy sheriffs, and other law enforcement officials to enforce the commercial motor vehicle safety laws and regulations of this state.

2. The certification procedures established by the Missouri state highway patrol shall include, but not be limited to:

(1) Initial and maintenance of certification, to include:

(a) Training;

(b) Recurring training, to be conducted minimally on an annual basis;

(c) Testing; and

(d) On-the-job experience under the supervision of a certified law enforcement official or field training officer;

(2) Delineation of roles and responsibilities within the specific agency, as well as the coordination with the Missouri state highway patrol;

(3) Data collection and maintenance and upload to state information systems;

(4) Computer hardware, software, and communications systems shall be compatible with those of the Missouri state highway patrol;

21 **(5) Prescribed use of forms and other official documents related**
22 **to the certification;**

23 **(6) Fine and sanction structure that is similar to that of the**
24 **Missouri state highway patrol; and**

25 **(7) Disposition of moneys generated by fines.**

26 **3. The certification procedures shall meet the requirements of**
27 **the memorandum of understanding between the state of Missouri and**
28 **the Commercial Vehicle Safety Alliance or any successor organization.**

29 **4. The commercial motor vehicle safety enforcement and**
30 **inspection activities of all law enforcement officials of a political**
31 **subdivision of the state of Missouri shall conform to the memorandum**
32 **of understanding between the state of Missouri and the Commercial**
33 **Vehicle Safety Alliance, as appropriate.**

34 **5. Commercial motor vehicle safety data collection, management**
35 **and distribution by law enforcement officials of a political subdivision**
36 **of the state of Missouri shall support the information systems of the**
37 **Missouri state highway patrol.**

38 **6. The Missouri state highway patrol shall establish reasonable**
39 **fees sufficient to recover from a political subdivision of the state of**
40 **Missouri the cost of training, recurring training, data collection and**
41 **management, certifying, and additional administrative functions for**
42 **law enforcement officials certified under this section. The Missouri**
43 **state highway patrol may apply for any applicable reimbursement or**
44 **incentive funds that may be available under the motor carrier safety**
45 **assistance program to fund the certification training program outlined**
46 **in this section.**

47 **7. The agencies for which law enforcement officials certified**
48 **under this section work for shall, to the extent practicable, adhere to**
49 **the same Motor Carrier Safety Assistance Program requirements under**
50 **49 Code of Federal Regulations Part 350 of the Federal Motor Carrier**
51 **Safety Regulations.**

52 **8. The agencies for which law enforcement officials certified**
53 **under this section work for shall be subject to periodic program**
54 **reviews and, at the discretion of the Missouri state highway patrol, be**
55 **required to submit a commercial vehicle safety plan that is consistent**
56 **with and incorporated into the statewide enforcement plan.**

57 **9. Beginning July 1, 2007, no law enforcement officer may make**

58 an arrest, issue a citation, or conduct a commercial motor vehicle
59 roadside inspection to determine compliance with the applicable
60 commercial motor vehicle laws under this chapter, chapter 307, or any
61 statute or regulation relating to the enforcement of a commercial motor
62 vehicle law unless the law enforcement officer has satisfactorily
63 completed, as a part of his or her training, the basic course of
64 instruction developed by the Commercial Vehicle Safety Alliance and
65 has been certified by the Missouri state highway patrol under this
66 section. Law enforcement officers authorized to enforce commercial
67 motor vehicle laws shall annually receive in-service training related to
68 commercial motor vehicle operations, including but not limited to
69 training in current federal motor carrier safety regulations, safety
70 inspection procedures, and out-of-service criteria. The annual training
71 requirements shall be designated and specified by the superintendent
72 of the highway patrol.

73 10. The superintendent of the state highway patrol shall
74 promulgate rules and regulations necessary to administer the
75 certification procedures and any other provisions of this section. Any
76 rule or portion of a rule, as that term is defined in section 536.010,
77 RSMo, that is created under the authority delegated in this section
78 shall become effective only if it complies with and is subject to all of
79 the provisions of chapter 536, RSMo, and, if applicable, section 536.028,
80 RSMo. This section and chapter 536, RSMo, are nonseverable and if any
81 of the powers vested with the general assembly pursuant to chapter
82 536, RSMo, to review, to delay the effective date, or to disapprove and
83 annul a rule are subsequently held unconstitutional, then the grant of
84 rulemaking authority and any rule proposed or adopted after August
85 28, 2006, shall be invalid and void.

✓